



US Army Corps
of Engineers
Seattle District

Information Paper

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CORPS OF ENGINEERS REGULATORY PERMITTING PROGRAM

Do you need a U.S. Army Corps of Engineers permit for your project?

A U.S. Army Corps of Engineers (Corps) permit is required for certain activities near or in water (waterward of the line of mean high or higher high water or ordinary high water) or special aquatic sites, including wetlands. These activities include:

- construction or installation of marinas, piers, wharves, floats, overhanging decks, boat lifts, jet ski lifts, intake pipes, outfall pipes, piling, bulkheads, boat ramps, marine railways, dolphins, overhead transmission lines, buoys, etc.
- dredging in navigable waters of the United States.
- the discharge of dredged or fill material into the water or wetlands; grading or mechanized land clearing of wetlands; ditch sidecasting in wetlands; soil movement during vegetation clearing in wetlands; groins, breakwaters, road fills, beach enhancement, riprap, jetties, etc., in waters or wetlands.

NATIONWIDE PERMITS

Typical Applicant's Statement:

"I only need to place 2 cubic yards of fill fronting my property on the lake."

"I only want to install a buoy to moor my boat."

"I only want to do this very small minor project."

If this is your situation, it is possible that your work may be authorized by a Corps nationwide permit. Nationwide permits are designed to regulate activities having minimal impacts on the aquatic environment. There are 44 nationwide permits for different types of work. Your project must meet all the national (including compliance with the Endangered Species Act (ESA)), regional, general, and any added special conditions of the nationwide permit for your work to be authorized by the Corps under a nationwide permit. Describe your project in detail, show the exact location of the work, and include a drawing so that we can verify that the work is authorized by a nationwide permit.

Listed below is an index to the current nationwide permits:

1. Aids to navigation
2. Structures in artificial canals
3. Maintenance
4. Fish and wildlife harvesting, enhancement, and attraction devices and activities
5. Scientific measurement devices
6. Survey activities
7. Outfall structures
8. Oil and gas structures
9. Structures in fleeting and anchorage areas
10. Mooring buoys
11. Temporary recreational structures
12. Utility line activities
13. Bank stabilization
14. Linear Transportation Crossings
15. U.S. Coast Guard approved bridges
16. Return water from upland-contained disposal areas
17. Hydropower projects
18. Minor discharges
19. 25 cubic yard dredging
20. Oil spill cleanup
21. Surface mining activities
22. Removal of vessels
23. Approved categorical exclusions
24. State administered section 404 programs
25. Structural discharge
26. Expired
27. Stream and wetlands restoration activities
28. Modifications of existing marinas
29. Single family housing
30. Moist soil management for wildlife
31. Maintenance of existing flood control projects
32. Completed enforcement actions
33. Temporary construction and access
34. Cranberry production activities
35. Maintenance dredging of existing basins
36. Boat ramps
37. Emergency watershed protection
38. Cleanup of hazardous and toxic waste
39. Residential, commercial, and institutional developments
40. Agricultural activities
41. Reshaping existing drainage ditches
42. Recreational facilities
43. Stormwater management facilities
44. Mining activities (REVOKED)

To learn more about our nationwide permit program, please refer to our Corps Special Public Notice entitled Final Regional Conditions ... for Nationwide Permits for the Seattle District Corps of Engineers for the state of Washington dated 16 June 2000, effective 7 June 2000, revised 16 June 2000.

NOTE: These nationwide permits will be revised in the near future. Check our website for updates.

REGIONAL PERMITS

In addition to nationwide permits, if you are doing a small project in certain regions of Washington state, your work may be authorized by a regional permit. For example we have a regional permit which authorizes boatlifts on Lake Washington. The conditions include compliance with ESA and submittal of information regarding the project to the Corps. It is important that you meet all the conditions of the specific regional permit and you must submit the completed Statement of Compliance and ESA Notification and Tracking Form to the Corps after the completion of work. Listed below is an index to some of our regional permits:

<u>Number</u>	<u>Name and Description</u>	<u>Status</u>
0YB-1-003265	Lake Sammamish, Boat Lift Stations.	Currently valid, expires on 8 April 2004.
0YB-1-005974	Lake Washington, Boat Lift Stations.	Currently valid, no expiration date.
0YB-1-003738	Lake Chelan, Various private use structures- floats with or without access ramps and small piers.	Currently valid, expires on 13 Nov. 2002.

To learn more about a specific regional permit, please contact our office to request the information packet for that particular regional permit or visit our web site.

INDIVIDUAL PERMITS

Typical Applicant's Statement:

"My project does not meet the terms or conditions of nationwide or regional permits, what do I do now?"

You need to apply for an individual permit. This includes completing an application form, submitting complete detailed drawings of the work, and submitting any other required information. There are two types of individual permits. The first type is a Letter of Permission (LOP). The LOP's are issued when the proposed work would be minor, and would not have significant individual or cumulative impacts on environmental values. The type of work typically authorized by an LOP would be small piers, floats, piling, or dolphins. Currently, work must not involve the discharge of dredged or fill material.

The second type is a standard individual permit. This permit is required for work not authorized via the LOP process. We will prepare your application for a public notice and a full public interest review. After we receive comments and/or objections we will review the environmental and social impacts of the project and consider the objections. If these impacts are minimal and if objections can be resolved, we will issue the permit. If there are more than minimal impacts or objections to the work, then you may want to consider changing your project or reducing its scope to resolve the objections. We recommend you contact your Corps project manager to discuss ways to resolve such concerns.

HELPFUL HINTS FOR THE PERMITTING PROCESS

1. Plan for the permitting process to take time. Processing time for individual permits ranges from 3 months to up to 6 months or longer depending on the complexity of the project. Plan the hiring of consultants and contractors accordingly. Do not start work until Corps approval has been received. Watch for conflicts in timing restrictions of other local, State or Federal permits.
2. Submit complete, detailed, and thorough information regarding the project. Processing time cannot begin until we receive complete application information, including proper drawings. Drawings must be detailed enough to allow a compliance inspector to locate the project (detailed vicinity map) and easily determine and verify dimensions and position of the project.
3. Apply for or obtain as many of the appropriate permits from other agencies. Processing time can be delayed because we usually cannot make a final decision on issuance of the permit if a local or state permit is pending. Other permits typically required could include: Shorelines permit from the local government, Hydraulic Project Approval (HPA) from the Washington State Departments of Fisheries or Wildlife, Water Quality Certification and Coastal Zone Management Consistency (CZM) from the Washington State Department of Ecology, and leasing rights of bottom lands from the Washington State Department of Natural Resources.
4. Minimize the impact on the aquatic environment. Document your efforts in the process. For example, do you really need to develop 5 acres of wetlands? Instead, is it feasible to develop 1 to 2 acres of wetlands and 3 to 4 acres of uplands? Do you have to develop wetlands, would your project succeed if you developed 5 acres of uplands? Does your boat ramp have to be 50 feet wide? Can you use other materials besides pouring concrete onto the beach (possibly destroying fish habitat)? We will ask these types of questions in order to determine if the proposed project has the least possible impact on the aquatic environment.
5. Provide detailed information regarding the existing environmental conditions, particularly in regards to threatened and endangered species. Because of the recent listing of several fish species as threatened and endangered, we must address any potential impacts a project may have on the fish and or the habitat of the fish or other threatened and endangered species. This endangered species act coordination is required for all permit actions, including nationwide and regional permits. As part of this coordination an environmental document (Biological Evaluation/Assessment) must be prepared which describes potential impacts to these species.

This information is detailed on our handout entitled Corps of Engineers Regulatory Program and the Endangered Species Act, dated 11 April 2000 and Streamlined Endangered Species Act Consultation: Programmatic Biological Evaluation, dated 8 December 2000. Please visit our web site for updates on this constantly changing topic.

INFORMATION AND CONTACTS

Please visit our web site for the latest information on our program:

<http://www.nws.usace.army.mil/reg/reg.htm>

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